

**REMARKS**

Claims 1-22 remain pending in the application, with claims 1, 12 and 19-22 being the independent claims. Reconsideration and further examination are respectfully requested.

The present Office Action apparently is a re-opening of prosecution subsequent to the filing of Applicants' Appeal on April 28, 2004, and Applicants' Appeal Brief on July 28, 2004, but prior to any decision on that appeal. The referenced appeal was taken when Applicants and the Examiner were unable to reach agreement regarding allowability of the claims, despite a series of four Office Actions (dated September 17, 2002, February 3, 2003, September 11, 2003, and January 28, 2004) and subsequent Responses.

In this 5<sup>th</sup> Office Action, the previous rejections have been withdrawn and newly cited art is now being applied in rejecting the claims. Those rejections are summarized below.

In the Office Action, claims 1, 12-17 and 19-22 were rejected under 35 USC §102(b) over National Weather Service (NWS); claims 2-11 and 18 were rejected under 35 USC §103(a) over NWS in view of Harvard Graphics. Withdrawal of these rejections is respectfully requested for the following reasons.

As noted previously throughout prosecution of this case, the present invention concerns methods, apparatuses and techniques for displaying data having different statistical significances. Initially, estimated data values, and a calculated measure of statistical significance for each, are obtained. As noted in the Specification, these measures of statistical significance may be, for example, a sensitivity-based or

elasticity-based measure (see page 2, lines 7-8; page 23, lines 1-4; and page 24, lines 30-34), a standard deviation, variance, correlation coefficient, and/or any function of the foregoing (see page 26, lines 4-6). There are a variety of conventional techniques for calculating a measure of statistical significance for one or more estimated data values.

However, one significant difference between the present invention and the prior art is the way in which such statistical significances are communicated to an end user. The present invention displays each of a plurality of estimated data values using a display characteristic that is a function of the data value's statistical significance. See, e.g., page 24, line 8 to page 26, line 31 in the Specification. Thus, for example, a graph might be produced with each such estimated data value being displayed at an intensity level that is a function of the statistical significance for that data point. *Id.* For instance, estimates having a high statistical significance might be displayed more brightly than estimates having a lower statistical significance. *Id.* In this way, end users often will be able to easily distinguish the more significant points from the less significant points on a displayed (or otherwise provided) graph.

Thus, independent claims 1, 19 and 21 are directed to the display of information, in which one obtains a plurality of estimated data values, together with a calculated measure of statistical significance for each. Then, a graph of such plurality of estimated data values is displayed, with each such estimated data value being displayed at an intensity level that is a function of its calculated measure of statistical significance.

Independent claims 12, 20 and 22 are directed to the display of information, in which one obtains a plurality of estimated data values, together with a calculated measure of statistical significance for each. Then, a graph of such plurality of estimated

data values is displayed, with a display characteristic of each being a function of its calculated measure of statistical significance.

The foregoing combinations of features are not disclosed, taught or suggested by the applied art. In particular, the applied art does not disclose or suggest at least the feature of displaying a graph of a plurality of estimated data values, with the display intensity (or other display characteristic) of each such estimated data value being a function of a measure of statistical significance that has been calculated for it.

In this regard, the Office Action asserts that the presently recited “estimated data values” read on the different shadings used in the NWS hurricane advisory map; the presently recited “calculated measure of statistical significance for each said estimated data value” reads on the percentages indicated in NWS; and, therefore, that “each estimated data value [in NWS] is displayed at an intensity level that is a function of the calculated measure of statistical significance for said estimated data value”.

Initially, it is noted that the NWS advisory map illustrates a wide geographic region, with different areas within the region being shaded based upon the probability that the center of a particular hurricane will pass within a specified distance of such areas. A key at the top of the NWS’s map identifies the probability or probability range (i.e., 10-19 percent, 20-49 percent, 50-99 percent or 100 percent) corresponding to each shading level used on the map.

Based on these features of the NWS hurricane advisory map, it is clear that both the different shadings and the different stated percentages (or percentage ranges) indicated in the NWS reference for such shadings correspond to exactly the same

quantities, i.e., the probabilities that the center of the hurricane will pass within the specified distance of the shaded geographic area.

Such probabilities clearly cannot be both the recited “estimated data values” and the recited “calculated measure of statistical significance for each said estimated data value”. For this reason alone, the present claims could not have been anticipated by NWS’s disclosure.

The probabilities indicated on the NWS hurricane advisory map might fairly be considered to be estimated data values, i.e., estimates of the subject probabilities. However, they clearly cannot also be “calculated measures of statistical significance” for such probabilities.

In fact, nothing in NWS even remotely indicates what the statistical significances for such probabilities are, or even that such probabilities have different statistical significances. For example, it might be the case that the statistical significance of the probability estimates for geographic areas designated as having a 10-19 percent probability is the same as for the geographic areas designated as having a 50-99 percent probability, or a 100 percent probability. Alternatively, different probability designations might have different statistical significances associated with them. As a still further possibility, there might even be different statistical significances associated with different sub-areas within a geographic area that has a uniform probability designation, i.e., indicating the same probability (or probability range) over the entire area. Any, or any combination, of the foregoing possibilities may be true. There is simply no way to tell based on the information that is provided in the NWS reference. In

short, NWS provides no information whatsoever regarding statistical significances of its indicated probabilities.

Lacking even this basic disclosure, the NWS reference could not possibly have anticipated any of independent claims 1, 12 and 19-22. The other rejected claims in this application depend from the independent claims discussed above, and are therefore believed to be allowable for at least the same reasons. Because each dependent claim also defines an additional aspect of the invention, however, the individual reconsideration of each on its own merits is respectfully requested.

In view of the foregoing remarks, it is believed that the entire application is in condition for allowance, and an indication to that effect is respectfully requested.

Request For Telephonic Interview

If the Examiner continues to believe that any of the pending claims is not in condition for allowance, the Examiner is respectfully requested to call Applicants' attorney at the telephone number indicated below in order to set up a telephonic interview to discuss this case prior to issuance of the next Office Action. Such an interview would then be necessary, as well as highly appropriate, in view of the long prosecution history of this case, which history is outlined in detail above.

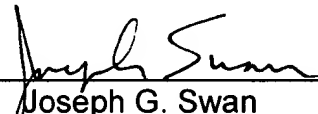
If there are any fees due in connection with the filing of this paper that have not been accounted for in this paper or the accompanying papers, please charge the fees to our Deposit Account No. 13-3735. If an extension of time under 37 C.F.R. 1.136 is required for the filing of this paper and is not accounted for in this paper or the accompanying papers, such an extension is requested and the fee (or any underpayment thereof) should also be charged to our Deposit Account. A duplicate copy of this page is enclosed for that purpose.

Respectfully submitted,

**MITCHELL, SILBERBERG & KNUPP LLP**

Dated: December 21, 2004

By

A handwritten signature in dark ink, appearing to read "Joseph G. Swan", is written over a horizontal line.

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